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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,689	12/06/2000	Shamel A. Bersiek	D-2872CIP	9222
33197	7590	08/23/2005	EXAMINER	
STOUT, UXA, BUYAN & MULLINS LLP			DEBERADINIS, ROBERT L	
4 VENTURE, SUITE 300			ART UNIT	
IRVINE, CA 92618			PAPER NUMBER	
			2836	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/730,689

Applicant(s)

BERSIEK, SHAMEL A.

Examiner

Robert DeBeradinis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 12-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The notice of allowance has been withdrawn as a result of a review of the allowable subject matter, the prosecution is reopened.

#### Regarding Applicants arguments filed 4/27/05.

Applicant argues PAK teaches a "plug-in" receptacle that can be substituted for a circuit breaker of a conventional service panel that is directly connected to the power input assembly, therefore PAK fails to teach wherein the plug-in receptacle does not directly contact the power input assemble. The Examiner agrees with this argument.

Applicant argues JONES discloses a portable distribution panel including a wheeled housing. JONES does not disclose, teach or even suggest any type of electrical output assemblies, let alone receptacles for providing electrical power. The Examiner does not completely agree with this argument, the claims are not allowable for the following reasons.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***Claims 1-3, 6-10, 12-16, 19-22, 24, 25 are rejected under 35 U.S.C.***

***103(a) as being unpatentable over JONES 3,631,590 in view of PAK***

***5,574,612.***

Regarding claims 1, 16, 20, 21.

JONES teaches an electrical power distribution unit comprising a housing having no internal battery and a circuit panel (54) having components that

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are not contacting a component of the utility circuit panel; an electrical power input assembly (figure 7, 44, 46, 50, 52) located substantially in the housing of the power distribution unit and adapted to be electrically connected to an electrical power supply (utility circuit panel); a circuit panel comprising a plurality of electrical power output assemblies (60) including a plurality of output connections, each output connection structured and adapted to be hard wired to a piece of equipment to provide electrical power.

JONES does not teach a plurality of receptacles, each receptacle adapted to receive an equipment plug to provide electrical power, and at least one of the receptacles being electrically connected to the electrical power input assembly without directly contacting a component of the circuit panel (utility circuit panel).

PAK teaches a "plug-in" receptacle that can be substituted for a circuit breaker of a conventional service panel.

It would have been obvious to one having ordinary skill in the art to have modified the bank of circuit breakers by replacing one or more of the circuit breakers with the receptacle disclosed by PAK. The motivation would be to provide a plug interface to plug an electrical component into thus providing a receptacle being electrically connected to the electrical power input without directly contacting a component of the utility circuit panel.

Regarding claims 2, 22, 25.

JONES teaches a power distribution unit wherein the housing is rack mountable.

Regarding claim 3.

JONES teaches a power distribution unit wherein the housing includes a front access door and a back access door (col. 2, lines 10,11).

***Claims 4, 18, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over JONES 3,631,590 in view of PAK 5,574,612 in further view of TAJALI 5,414,590.***

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Regarding claims 4, 18, 23.

JONES in view of PAK discloses the power distribution unit of claim 1. JONES in view of PAK does not disclose a meter located within the housing and adapted to monitor at least one property of electrical power passing through the input assembly.

TAJALI teaches modular arrangements of monitoring equipment arranged in a rack for monitoring power passing through the rack to the loads (col. 1, lines 29-40).

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify the power distribution unit of claim 1 to have a modular arrangement to include a monitor to monitor at least one property of electrical power passing through the rack. The motivation would be to monitor the power being supplied to the different loads.

***Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over JONES 3,631,590 in view of PAK 5,574,612 further in view of VRIES 6,433,444.***

Regarding claim 5.

JONES in view of PAK discloses the power distribution unit of claim 1.

JONES in view of PAK does not teach a transformer to be in electrical communication with the electrical power supply and the input assembly.

VRIES teaches a transformer to be in electrical communication with the electrical power supply and the input assembly (figure 5, 501).

It would have been obvious to one having ordinary skill in the art at the time of this invention to have modified the power distribution unit of claim 1 to include a transformer. The motivation would be to step the input voltage down (col. 6, lines 26-30).

Regarding claims 6, 7.

JONES in view of PAK discloses the power distribution unit of claim 1.

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JONES teaches wherein the input assembly is adapted to be electrically connected to a single phase electrical power supply or to a three phase electrical power supply (col. 3, lines 33, 34).

Regarding claims 8-10, 12-14, 19.

JONES in view of PAK discloses the power distribution unit as claimed. JONES discloses wherein each of the output assemblies includes a different circuit breaker (col. 3, lines 38-54).

***Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over JONES in view of PAK in further view of JOHNSON 6,462,961.***

Regarding claim 17.

JONES in view of PAK discloses the power distribution unit of claim 16. JONES discloses a portable distribution panel wherein assemblies are mounted into a rack assembly. JONES is silent as to the dimensions of the rack. JOHNSON discloses the standard rack that includes the standard dimensions of 19 and 23 inches. It would have been obvious to one having ordinary skill in the art to have dimensioned the power distribution unit to have the dimensions of a standard rack assembly. He motivation would be to be able to use a standard rack assembly.

Regarding claims 15, 24.

JONES discloses a switch structured and positioned to alternately connect and disconnect one of two or more electrical power supplies to the electrical power input assembly of one of the units (column 2, 3, lines 71 plus).

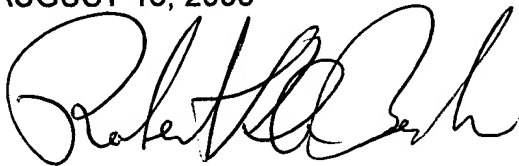
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Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (571) 272-2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (571) 272-2058. The Fax phone number for this Group is (703) 872-9306.

RLD

AUGUST 18, 2005

A handwritten signature in black ink, appearing to read 'Robert L. DeBeradinis', with a stylized, cursive script.

ROBERT L. DEBERADINIS  
PRIMARY EXAMINER